

House Study Bill 690

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to license revocations for repeat operating=
2 while=intoxicated offenders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6320YC 80
5 rh/pj/5

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1 1 Section 1. Section 321J.4, subsections 2 and 4, Code
1 2 Supplement 2003, are amended to read as follows:
1 3 2. If a defendant is convicted of a violation of section
1 4 321J.2, and the defendant's driver's license or nonresident
1 5 operating privilege has not already been revoked under section
1 6 321J.9 or 321J.12 for the occurrence from which the arrest
1 7 arose, the department shall revoke the defendant's driver's
1 8 license or nonresident operating privilege for two years if
1 9 the defendant has had a previous conviction or revocation
1 10 under this chapter. The defendant shall not be eligible for
1 11 any temporary restricted license for the lesser of one year or
1 12 the minimum period of suspension required by the federal Safe,
1 13 Accountable, Flexible, and Efficient Transportation Equity Act
1 14 of 2003, if enacted, after the effective date of revocation.
1 15 The defendant shall be ordered to install an ignition
1 16 interlock device of a type approved by the commissioner of
1 17 public safety on all vehicles owned by the defendant if the
1 18 defendant seeks a temporary restricted license at the end of
1 19 the minimum period of ineligibility. A temporary restricted
1 20 license shall not be granted by the department until the
1 21 defendant installs the ignition interlock device.
1 22 4. Upon a plea or verdict of guilty of a third or
1 23 subsequent violation of section 321J.2, the court shall order
1 24 the department to revoke the defendant's driver's license or
1 25 nonresident operating privilege for a period of six years.
1 26 The defendant shall not be eligible for a temporary restricted
1 27 license for at least the lesser of one year or the minimum
1 28 period of suspension required by the federal Safe,
1 29 Accountable, Flexible, and Efficient Transportation Equity Act
1 30 of 2003, if enacted, after the effective date of the
1 31 revocation. The court shall require the defendant to
1 32 surrender to it all Iowa licenses or permits held by the
1 33 defendant, which the court shall forward to the department
1 34 with a copy of the order for revocation. The defendant shall
1 35 be ordered to install an ignition interlock device of a type
2 1 approved by the commissioner of public safety on all vehicles
2 2 owned by the defendant if the defendant seeks a temporary
2 3 restricted license at the end of the minimum period of
2 4 ineligibility. A temporary restricted license shall not be
2 5 granted by the department until the defendant installs the
2 6 ignition interlock device.
2 7 Sec. 2. Section 321J.9, subsection 2, paragraph a, Code
2 8 2003, is amended to read as follows:
2 9 a. A person whose driver's license or nonresident
2 10 operating privileges are revoked under subsection 1, paragraph
2 11 "a", shall not be eligible for a temporary restricted license
2 12 for at least ninety days after the effective date of the
2 13 revocation. A person whose driver's license or nonresident
2 14 operating privileges are revoked under subsection 1, paragraph
2 15 "b", shall not be eligible for a temporary restricted license
2 16 for at least the lesser of one year or the minimum period of
2 17 suspension required by the federal Safe, Accountable,
2 18 Flexible, and Efficient Transportation Equity Act of 2003, if
2 19 enacted, after the effective date of the revocation.
2 20 Sec. 3. Section 321J.12, subsection 1, paragraph b, Code
2 21 Supplement 2003, is amended to read as follows:
2 22 b. One The lesser of one year or the minimum period of

2 23 suspension required by the federal Safe, Accountable,
2 24 Flexible, and Efficient Transportation Equity Act of 2003, if
2 25 enacted, if the person has had a previous revocation under
2 26 this chapter.
2 27 Sec. 4. Section 321J.12, subsection 2, paragraph d, Code
2 28 Supplement 2003, is amended to read as follows:
2 29 d. A person whose license or privileges have been revoked
2 30 under subsection 1, paragraph "b", ~~for one year~~ shall not be
2 31 eligible for any temporary restricted license for the lesser
2 32 of one year or the minimum period of suspension required by
2 33 the federal Safe, Accountable, Flexible, and Efficient
2 34 Transportation Equity Act of 2003, if enacted, after the
2 35 effective date of the revocation, and the person shall be
3 1 ordered to install an ignition interlock device of a type
3 2 approved by the commissioner of public safety on all vehicles
3 3 owned or operated by the defendant if the defendant seeks a
3 4 temporary restricted license at the end of the minimum period
3 5 of ineligibility. A temporary restricted license shall not be
3 6 granted by the department until the defendant installs the
3 7 ignition interlock device.
3 8 EXPLANATION
3 9 This bill relates to license revocations for repeat
3 10 offenders of Iowa's operating=while=intoxicated law.
3 11 The bill provides that a defendant previously convicted of
3 12 a violation of Code section 321J.2, Iowa's operating=while=
3 13 intoxicated law, shall not be eligible for a temporary
3 14 restricted license for the lesser of one year or as specified
3 15 under certain federal highway funding legislation.
3 16 The bill provides that a person, including a person under
3 17 the age of 21, who refuses to submit to chemical testing under
3 18 Code section 321J.9, and who has had a previous revocation
3 19 under Code section 321J.2 or 321J.2A, shall not be eligible
3 20 for a temporary restricted license for the lesser of one year
3 21 or as specified under certain federal highway funding
3 22 legislation.
3 23 The bill provides that a person who is in violation of Code
3 24 section 321J.2, who fails a chemical test under Code section
3 25 321J.12, and who has had a previous revocation under Code
3 26 section 321J.2, shall not be eligible for a temporary
3 27 restricted license for the lesser of one year or as specified
3 28 under certain federal highway funding legislation.
3 29 LSB 6320YC 80
3 30 rh/pj/5